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China, Peoples Republic of

Agricultural Situation

Measures for Administration of Geographical Indication Signs Products

2007

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Report Highlights:

The State Administration for Industry and Commerce (SAIC) issued the "Measure for Administration of Special Signs of Geographical Indication Products", indicating Geographical Indications (GI) as signs of products which have been registered with the SAIC's Trademark Office.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1]
[CH]

In China, there are two protection systems for geographical indication (GI). Effective on January 30, 2007, the State Administration for Industry and Commerce's (SAIC) has provided that GI can be included as a registered mark and will be protected through registration under the existing authority. China's Trademark Law provides for the registration of GI as collective or certificate mark.



Previously, there were no special signs of geographical indication provided by SAIC. The new sign does not provide additional protection, but does provide a measure of comparability between the GI sign provided by SAIC and the sign provided by AQSIQ. Post recommends U.S. agricultural companies avail themselves of SAIC GI protections.

Effective on July 15, 2005, the General Administration of Quality Supervision, Inspection and Quarantine under "Rules on Geographical Indication Products Protection" established a new system of GI and there is a special sign for geographical indication under this system.

For assistance in the registration of geographical indication related to agriculture, refer to other GAIN reports on IP or contact:

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BEGIN UNOFFICIAL TRANSLATION

Measure for Administration of Special Signs of Geographical Indication Products

Article 1: In order to strengthen the protection of geographical indications, maintain legitimate rights and interests of geographical indication registrants, regulate the use of special signs of local geographical indication products (hereinafter referred to as the "special signs") and promote the development of geographical indication products, the Measure is formulated pursuant to the *Trademark Law of the People's Republic of China*, the *Regulations for Implementation of the Trademark Law of the People's Republic of China*, and the like.

Article 2: For the purpose of this Measure, special signs refer to special signs established by the Trademark Office of the State Administration for Industry and Commerce for geographical indication products, so as to indicate that the geographical indication products using the said special signs have been registered with the approval of the Trademark Office of the State Administration for Industry and Commerce.

Article 3: Basic devices of special signs are composed of the Chinese and English names of the Trademark Office of the State Administration for Industry and Commerce, the wordings of Chinese geographical indications, GI based fonts, pictures of wheat and the Temple of

Heaven. Green (C:60 M:0 Y:100 K:0; C:100 M:0 Y:100 K:50) and yellow (C:0 M:20 K:100 K:0) are the basic colors forming the special signs.

Article 4: Legal users of registered geographical indications may concurrently use special signs on their geographical indication products and indicate the registration numbers of such geographical indications.

Article 5: Special sign users may use special signs on commodities, commodity packages or containers, or in advertising campaigns, exhibitions and other commercial activities.

Article 6: No charges shall be payable for the use of special signs.

Article 7: Special signs shall be used together with geographical indications, not used by themselves.

Article 8: Geographical indication registrants shall supervise use of special sign users. Special signs shall be used in such patterns of special signs as promulgated by the Trademark Office of the State Administration for Industry and Commerce, and shall not be changed without approval.

Article 9: Where special signs are official signs protected under Article 10 of the *Trademark Law of the People's Republic of China*, administrative departments for industry and commerce at all levels shall administer such special signs. Where special signs are used without approval or any user uses signs similar to special signs without approval, administrative departments for industry and commerce at different levels may, in accordance with the *Trademark Law of the Peoples Republic of China*, the *Regulations for Implementation of the Trademark Law of the Peoples Republic of China* and other pertinent provisions, investigate and punish the said uses.

Article 10: The Measure is subject to the interpretation of the State Administration for Industry and Commerce.

Article 11: The Measure will come into force January 30, 2007.

END

Disclaimer: Chinese is the national language of China and the official Chinese version of the law prevails. This report is meant as a reference and does not provide legal advise. Please refer to the Chinese version of the law for questions of meaning and consult an attorney for legal advise.